



UNITED STATES MARINE CORPS
COMMANDING GENERAL
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From: Commanding General
To: Distribution List

Subj: STANDING OPERATING PROCEDURE (SOP) FOR THE PROVOST MARSHAL'S OFFICE
(SHORT TITLE: SOP FOR THE PROVOST MARSHAL'S OFFICE)

Ref: (a) MCO P5580.2
(b) MCO 5500.6F
(c) CCO 5500.5A
(d) CCO P1630.6E
(e) CCO 1630.8B

Encl: (1) LOCATOR SHEET

1. Purpose. To establish policies and procedures for administrative and operational functions of the Provost Marshal's Office and other activities relative to the applicable provisions of the references.

2. Cancellation. CCO P1630.7B.

3. Action. All personnel assigned to the Provost Marshal's Office shall familiarize themselves with the contents of the Manual and will abide by it's provisions in the performance of their duties.

4. Summary of Revision. This revision has been reformatted and contains a substantial number of changes and must be completely reviewed.

5. Recommendation. Recommendations concerning the contents of the Standing Operating Procedure for the Provost Marshal's Office are invited. Such recommendations will be forwarded to the Provost Marshal via the appropriate chain of command.

8. Applicability. This Manual is applicable to all members of the Provost Marshal's Office located at the Marine Corps Air Ground Combat Center, Twentynine Palms, California.

9. Certification. Reviewed and approved this date.

J. A. KEENAN
Chief of Staff

DISTRIBUTION: A1 PLUS PMO (125)

LOCATOR SHEET

Subj: SOP FOR THE PROVOST MARSHAL'S OFFICE

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ENCLOSURE (1)

SOP FOR THE PROVOST MARSHAL'S OFFICE

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change

SOP FOR THE PROVOST MARSHAL'S OFFICE

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SOP FOR THE PROVOST MARSHAL'S OFFICE

INTRODUCTION

0001. Code of ethics for the military police. The following is the code I know and will be guided by the fact that:

0002. It is my duty at all times, both on and off duty, to set an example for all service personnel as well as the general public. I will be courteous and tactful, be firm at all times. My ability as a military policeman is not measured by the number of apprehensions I make, but by the qualities of alertness and devotion to duty I display in aiding and protecting personnel.

0003. Offenses are not committed against me as a military policeman. They are committed against the Armed Forces and society. Therefore, I will not allow my personal feelings to interfere with the constitutional rights and professional handling of offenders.

0004. For me to strike a person who has used foul language, or the maltreatment of intoxicated persons is evidence of poor judgment and lack of professionalism.

0005. It is my duty only to make apprehensions, without the use of force except when all lesser means have failed, and to report the facts to the Provost Marshal. It is the prerogative of the offender's commanding officer to determine punishment.

0006. Through constant study and analysis of all rules and regulations, as well as all orders, laws and ordinances, I will understand and be able to explain why certain acts are prohibited.

0007. I will be objective and keep my personal view out of military policeman duty. I am proud of my uniform and realize that by presenting a smart appearance at all times, I will set a good example that will reflect credit upon my organization and the Marine Corps.

0008. As an official representative of the Command, my authority is derived directly from the Commanding General, Marine Corps Air Ground Combat Center. I must strictly observe and enforce all regulations and orders, and I will never take any action which may constitute an abuse of my authority or breach of peace.

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CHAPTER 1

MISSION, AUTHORITY AND JURISDICTION

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CHAPTER 1

MISSION, AUTHORITY AND JURISDICTION

1001. MISSION. To provide law enforcement services aboard the Combat Center.

1002. AUTHORITY

1. Military policemen designated by proper authority to perform guard or police duties, including duties as criminal investigators, are authorized to apprehend, if necessary, persons subject to trial upon reasonable belief that an offense has been committed and that the person apprehended committed it.

2. Persons not subject to the UCMJ. Administrative control can be exercised over civilians on a military installation, by virtue of the right that each landowner enjoys control of the behavior of persons on his property. Additionally, in the case of the civilian employee, a commander may exercise those administrative measures available to the government employer under pertinent regulations. Civilians who do not abide by the lawful regulations may be ejected from the installation and those who refuse to leave may be removed that force which is reasonable and prudent. Undesirables may be barred for good cause from entry on the installation. In regulating the entry of persons to the installation, the commander has broad powers (Title 18, USC 1382):

a. He can limit the access to the installation to those having legitimate necessity for entry.

b. He can regulate items permitted to be brought on the installation by restricting those individuals that he permits to enter.

c. He can search those entering, leaving or staying on the installation. Such searches must be based upon probable cause that an offense has been committed or be based upon military necessity.

3. Detention of Civilians. Military Police are authorized to detain persons not subject to the UCMJ when persons to be detained are within the confines of the Combat Center, and there exists a reasonable belief that the person has committed a crime. The person will be detained only as long as it is necessary to notify and obtain disposition instruction from the Staff Judge Advocate's Office or the appropriate civil law enforcement agency. All civilians, including retired military and family members of retired and active duty military, are subject to federal, state and military law while aboard the Combat Center.

4. Juveniles. Police authority exercised on a military reservation may be military, federal, state or local (such as county sheriff, city police), or any combination thereof. It depends upon two matters: the type of offense committed and the authority of the state or federal government to legislate for the reservation. Law enforcement personnel under authority of the installation commander will investigate all criminal offenses and acts which endanger United States Marine Corps personnel, their family members, property, family member's property and U.S. Government property. Law enforcement personnel will also investigate any offenses or acts which are deemed detrimental to the efficient operation of the U.S. Marine Corps. A considerable portion of the burden for the prevention of juvenile problems rest with the Provost Marshal and his military policeman. Since the installation commander utilizes their expertise in dealing with juvenile delinquency problems in his command, Chapter 4 of this Manual will specifically address military police authority and policies when dealing with juveniles.

1003. JURISDICTION

1. Military Police Jurisdiction. Military reservations generally have either concurrent jurisdiction or exclusive federal jurisdiction. The Federal Government may also hold territory in a status of proprietorial interest just as any landowner may. The Marine Corps Air Ground Combat Center is designated as a proprietorial interest jurisdiction.

2. Proprietary interest applies where the Federal Government has acquired some right or title to an area in a state, but has not obtained any measure of the state's authority over the area. Where the Federal Government has no legislative jurisdiction over its land, it holds such land in a proprietary interest and has same right's in the land as does any other landowner. The Federal Government has right to perform the functions delegated to it by the Constitution without interference from any source, including the State in which the installation is located. Where the United States acquires only a proprietary interest, the State retains all the jurisdiction over an area which it would have if a private individual, rather than the United States, owned the land. Therefore, other than specific military functions and laws, the State has full jurisdiction over criminal activities aboard the Marine Corps Air Ground Combat Center. The jurisdictional responsibilities will be specified in a memorandum of understanding established between the San Bernardino County Sheriff's Department, the Marine Corps Air Ground Combat Center and the Naval Criminal Investigative Service.

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CHAPTER 2

PROVOST MARSHAL'S STAFF SECTION

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CHAPTER 2

PROVOST MARSHAL'S STAFF SECTION

2001. ORGANIZATION. The Provost Marshal's staff section is comprised of the Provost Marshal, Provost Sergeant, Operations Officer, Services Officer and Criminal Investigations Officer. The primary duties of these individuals relate to the formulation and implementation of the orders, directives, policies and procedures by which the Provost Marshal's Office (PMO) will function.

2002. PROVOST MARSHAL

1. The Provost Marshal performs the general duties of a special staff officer on the General's staff with respect to military police and security matters. The Provost Marshal is the direct representative of the Command to federal, state and local law enforcement agencies and is the senior law enforcement official on the Combat Center.

2. The Provost Marshal will establish orders, policies, instruction and procedures that will explain in detail the specific duties and requirements of military police personnel. The orders, policies, instructions and procedures will be changed as required to conform with changes in law enforcement procedures and will not be addressed in this Manual.

2003. DEPUTY PROVOST MARSHAL. The Deputy Provost Marshal performs those duties specifically designated by the Provost Marshal and assumes duties of the Provost Marshal in the latter's absence. The Deputy Provost Marshal is responsible for coordinating and supervising activities of all PMO staff members and reporting any occurrences to the Provost Marshal. The Deputy Provost Marshal will disseminate all plans, policies, allocate tasks in preparing PMI's, LOI, etc. and ensure PMO section heads are aware of action required. The Deputy Provost Marshal will understand the philosophy of the Provost Marshal, to interact proactively with other MCAGCC units and keep the Provost Marshal informed of developing issues. Additional duties will be the Responsible Officer for PMO's fiscal and supply accounts.

2004. PROVOST SERGEANT. The Provost Sergeant is responsible to the Provost Marshal for conducting both random and scheduled operational inspections of the sections of the Provost Marshal's Office. The Provost Sergeant will report to the Provost Marshal the results of all inspections conducted. The Provost Sergeant will act as advisor to the Provost Marshal on affairs concerning enlisted military policeman and carry out special projects as directed by the Provost Marshal or the Deputy Provost Marshal.

2005. OPERATIONS OFFICER. The Operations Officer is responsible for the Patrol Sections, Military Working Dog Section and Training sections of the Provost Marshal's Office. The Operations Officer will maintain Liaison with all directorates on special events and ceremonies conducted aboard MCAGCC to include but not limited to retirement, change of command, MWR events, security details and gate policies and procedures. The Operations Officer will also assume duties as Deputy Provost Marshal in the latter's absence.

2006. SERVICES OFFICER. The Services Officer is responsible for the Police Records and Administration, supply, civilian law enforcement liaison, terminal area security

officers, Vehicle Registration, Armory operations and any other duties designated by the Provost Marshal.

2007. CRIMINAL INVESTIGATIONS OFFICER. The Investigations Officer, or in his absence, the Investigations Chief, exercises direct operational supervision of the Criminal Investigation Division, Physical/Crime Prevention/Drug Abuse Resistance Education (DARE) and the lost and found section, and is responsible for the supervision of the investigators, conduct of the investigations, physical security/crime prevention programs/DARE program and the recovery/return of lost and found property.

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CHAPTER 3

SERVICES DIVISION

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CHAPTER 3

SERVICES DIVISION

3001. GENERAL. The Administration Division is composed of the following sections: Police Records and Administration, Computer Services, TASO, Civilian Law Enforcement Liaison, Traffic Court, Armory, Crime Statistics and any other duties designated by the Provost Marshal.

3002. SERVICES OFFICER. The Services Officer, or in his absence the Administration Chief, is responsible for the coordination and supervision of the sections in the division and performs additional duties as directed by the Provost Marshal.

3003. POLICE RECORDS AND ADMINISTRATION

1. General. The Police Records and Administration Section will maintain current directives and correspondence files in accordance with effective directives, to include files of all records and reports as directed herein, and will make the necessary data input into the computerized files as directed by the Services Officer.

2. Directives. The Police Records and Administration Section shall ensure that:

a. Adequate authorized directives pertaining to the operation of the Provost Marshal's Office are maintained in minimum quantities.

b. Adequate internal routing of pertinent directives to staff officers and section heads is accomplished.

c. Directives are maintained and updated as changes and/or revisions are promulgated.

d. Prompt action is taken to procure needed directives not on hand.

e. Adequate control of all directives and other publications is maintained to prevent needless loss and ensure availability when needed.

f. Computerized records indicating location, number on hand and effective date of directive to include a master index of all directives is maintained.

3. Correspondence Files. The Police Records and Administration Section shall retain and file one copy of all outgoing and incoming correspondence, including statistical data reports, per reference (a) and SECNAVINST 5216.5C.

4. Incident/Complaint Reports (ICRs). The Provost Marshal's Office will maintain a systematic file of all ICRs and individual records of personnel reported in the ICRs. This will be accomplished per reference (a).

5. Minor Offense Reports (MORs). All Minor Offense Reports (MORs) will be systematically filed. Individual records will reflect the issuance of MORs. Appropriate notification and distribution of the Minor Offense Reports will be per reference (a) and Provost Marshal Instructions (PMIs).

6. Traffic Accident Reports. All traffic accident reports will be retained and systematically filed and retained in the Administration Section file room.

7. Traffic Citations (DD Form 1408). Will be systematically filed and distributed as required for appropriate action. Individual records will reflect the issuance of traffic citations and computerized records will be initiated.

8. Criminal Investigation Reports (CIRs). (CIRs) are prepared and processed entirely by that section and will be systematically filed and appropriate individual records cards and computerized files will be made.

9. Military Police Desk Blotters. Blotters will be prepared daily and approved by 0715. Blotters will be filed in chronological order. Weekend and Holiday blotters will be distributed the next working day. Distribution will be accomplished through computerized Local Area Network (LAN) access to all applicable directorates. Dissemination of hard copies of blotters will be made on a case by case basis after approval by the Services Officer or Services Chief. Dissemination of restricted entries will be determined by the Services Officer/Chief on a daily basis. Normally all juvenile, sex crimes, and SNCO incidents involving victims and suspects will be restricted. All MCAGCC directorates will be responsible for accessing their blotters on the LAN on a daily basis. In the event a unit cannot access the blotters, the Computer NCO will be the primary point of contact for the units.

10. Alphabetical Index Card File. The Provost Marshal's Office maintains a permanent backup identification system of victims and suspects consisting of alphabetical index cards.

11. Field Interview (FI) Cards. The FI card contains information concerning an inquiry by military police. FI cards will also be systematically filed for easy reference.

12. Privacy Act of 1974. The Privacy Act of 1964 prohibits the disclosure of much information retained in PMO files to various individuals and/or concerns. The Staff Judge Advocate (SJA) will designate which agencies are entitled to information and what information is releasable on a need to know basis.

3004. COMPUTER SERVICES. The Computer NCO under the cognizance of the Services Officer is responsible for the acquisition, use and maintenance delivery of all computers to be utilized at the Provost Marshal's Office. The computer NCO will usually be appointed the collateral duties of the PMO TASO.

3005. TERMINAL AREA SECURITY OFFICER (TASO). The Provost Marshal's Office operates a diverse number of computerized files and applications which require an appointed TASO who controls access and security of the systems utilized by the Provost Marshal's Office. The TASO will be appointed in writing and coordinate with MCAGCC Information Systems and Security Branch (ISSB) to be apprised on current policies and procedures.

3006. MILITARY POLICE SUPPLY

1. General. The supply NCO is responsible for maintaining a current balance on the PMO fiscal account and procuring and distributing necessary supplies and equipment in addition to any other duties appointed by the Provost Marshal.

2. Record Keeping. The supply NCO will maintain records of all supplies and equipment for accountability and cost accounting. The Provost Marshal will establish an accounting and equipment procedure.

3007. ARMORY. Maintain a high level of Arms, Ammunition and Explosives (AA&E) security. Store, maintain, issue and recover weapons, ammunition, radios and other

and coordinate weapons safety inspections LTI sheets prior to any range detail. Ensure that all weapons safety, issue/recovery, clearing and loading procedures are strictly adhered to. Insure that proper loading/clearing procedures for all T/O weapons are posted in clear view and current with effective directives.

3008. MILITARY POLICE LIAISON

1. General. The Military Police Liaison duties are to acquire all off base civil police reports that involve Marines, spouses and dependents. These incidents will include but are not limited to; Driving Under the Influence, Assaults, Domestic Disturbances, Frays, Accidents, Drug Offenses, and any other incident that involves civil law enforcement agencies.

2. Liaison Responsibilities. The Provost Marshal's Office Liaison will be responsible to respond daily in a GOV, to the San Bernardino County Sheriff's Department and acquire the reports by researching through the radio dispatch log.

a. From the dispatch log the liaison will annotate the report number and use it to acquire the finalized report. Normally, it will take a few weeks for the final report to be available to the Provost Marshal's Office.

b. The dispatch log report will be given to the blotter's clerk for entry into the PMO blotter.

c. When the final report is received by the Provost Marshal's Office, it will be logged in and filed with the PMO Incident Complaint Report by the assigned Case Control Number (CCN) for that report.

3. Other Unit Responsibilities. It is the responsibility of resident commanders to comply with agreements set forth under the current Memorandum of Understanding (MOU) regarding use of the Provost Marshal's Office Military Police Liaison. The resident commanders will be responsible for contacting the PMO Liaison and exchanging any information needed for the liaison to request the appropriate reports from civil law enforcement agencies. At no time will the resident units contact any civil police departments for information concerning their Marines unless the expressed consent of the Provost Marshal is given to them.

4. Release of Information. The Provost Marshal's Office maintains a copy of all available civil police reports. Under the current MOU, these reports will not be released to resident commands but may be viewed at the Provost Marshal's Office by commanders, OIC's and legal officers only. Unit commanders may request the release of civil reports via the Provost Marshal and SJA for adjudicative matters.

3009. VEHICLE REGISTRATION. The Vehicle Registration Department is responsible for the control measures of all vehicles entering the Combat Center through the issuance of all visitor, temporary, contractor, business, college passes and permanent DOD Decals. The Vehicle Registration Department is also responsible for the registration of all privately owned weapons purchased, stored or introduced aboard MCAGCC.

1. The Vehicle Registration Department will establish a systematic filing system for all records to include but not limited to; DoD Decals, visitor, temporary, contractor, school and business passes, weapons registration, revoke lot and vehicle resale lot.

2. Requests for sponsorship of guests will be handled by the Vehicle Registration Department and will be made either in person or telephonically through the Vehicle Registration Department. Log books and/or computerized records must be

systematically maintained of all personnel sponsoring individuals aboard the Combat Center.

3. Supplies necessary for the operation of the Vehicle Registration Department to include DoD Decals and temporary passes will be requisitioned through the PMO supply NCO.

4. The Vehicle Registration Department is also responsible for the supervision and management of the MCAGCC Revocation Lot and Vehicle Resale Lot. The Revocation Lot will be maintained and secured on a 24 hour a day basis and only be used by individuals on base revocation. The access in and out of the lot will be via utilization of a key type lock and log book. All personnel who store their vehicles in the lot will comply with current effective Combat Center Orders pertaining to the registration and minimum insurance requirements for personnel bringing vehicles aboard the Combat Center. Use of the Vehicle Resale Lot will be in accordance with the instructions contained in CCO 1630.8B.

5. Hours of operation for the Vehicle Registration Department will be coordinated through the Provost Marshal and approved by the Commanding General, MCAGCC.

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CHAPTER 4

OPERATIONS DIVISION

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CHAPTER 4

OPERATIONS DIVISION

4001. GENERAL. The Operations Division will enforce orders, regulations and laws, and provide services aboard the Combat Center as directed by the Commanding General and as specified per references (a) through (d).

4002. MISSION. The Operations Division will:

1. Conduct continuous law enforcement operations to include the operation of mobile patrols and the control of MCAGCC entry and exit gates.
2. Contribute to the general and physical security of military and civilian personnel, property and equipment.
3. Enforce laws, orders and directives.
4. Control the flow of military and civilian traffic as required.
5. Provide information and assistance to members of the military community and general public.
6. Coordinate and control military police communications.
7. Provide other services as required.

4003. ORGANIZATION. The Operations Division will consist of, but is not limited to the following:

1. Operations Officer.
2. Operations Chief.
3. Patrol Section consisting of the following minimum sections:
 - a. Watch Commander.
 - b. Desk Sergeant.
 - c. Radio Dispatcher.
 - d. Motor/Foot/Bicycle Patrols.
 - e. Military Working Dogs.
 - f. Special Response Team.
 - g. Gate Sentries.
 - h. Accident Investigations.
 - i. Flight Line (as required).

4004. OPERATIONS OFFICER. The Operations Officer, or if not available, the Operations Chief, is directly responsible for the day to day operation of the Operation Division, and any other duties directed by the Provost Marshal.

4005. OPERATIONS CHIEF. The Operations Chief is the senior enlisted representative of the Operations Division. The Operations Chief will act in the absence of the Operations Officer. Specific duties are the immediate supervision of the Operations Division and other duties designated by the Operations Officer.

4006. WATCH COMMANDER. The Watch Commander of each duty section is responsible for performance of duties, deployment, conduct and appearance of all members of his section.

4007. DESK SERGEANT. The Military Police Desk Sergeant is responsible for the control and utilization of the Military Policeman of his section and ensuring appropriate procedures are utilized.

4008. RADIO DISPATCHER. The Radio Dispatcher is responsible to the Desk Sergeant, the dispatch of military police to assigned duties as required, as well as monitoring the installation intrusion detection system.

4009. MOTOR/FOOT/BICYCLE PATROL. The Motor/Foot/Bicycle patrol personnel are responsible for general law enforcement duties as well as responding to designated assignments.

4010. MILITARY WORKING DOG SECTION. The Military Working Dog Section is responsible for canine support for drug detection, bomb detection, or guard dog support as directed by the Operations Officer.

4011. SPECIAL RESPONSE TEAM (SRT). The SRT is a specially trained unit within the Provost Marshal's Office designated and tactically trained to respond to situations considered dangerous for normal law enforcement training; such as hostage/barricaded or armed suspect situations, special operations or security requirements as designated by the Provost Marshal or Operations Officer.

4012. GATE SENTRIES. Gate sentries will be posted at designated access points to the installation which may be accessible by private or government vehicle and pedestrian traffic. The gate sentries will perform all duties as directed by the Provost Marshal in order to allow authorized vehicles and personnel on and off the Combat Center.

4013. ACCIDENT INVESTIGATIONS

1. General. It is necessary for proper traffic management, administration of justice and service to the public that accurate and informative traffic accident investigations be completed in an expeditious manner in per reference (a) and Provost Marshal Instructions. Because of the seriousness of some of these investigations, it is imperative that the Accident Investigations Division utilize the California Collision Manual which coincides with our investigative authority and the California Vehicle Code on the Combat Center.

4014. FLIGHTLINE SECURITY

1. General. The Expeditionary Air Field (EAF) is located approximately six miles northwest of the Combat Center main camp area on Phillips Road. The airfield is currently surrounded with a four strand barbed wire fence. A hard surface road surrounds the east and southwest perimeter, while a dirt road surrounds the northern area of the EAF. It is the responsibility of the Provost Marshal's Office to provide the level of security necessary to prevent the loss, damage to, or espionage aimed at any aircraft or flightline area. Coordination with the EAF commander will be conducted to ensure proper security measures are taken.

2. Mission. The primary mission of the military police at the EAF is that of physical security. All military policeman asset and activates are directed towards ensuring that the perimeter, the interior and the aircraft are safeguarded at all times.

3. Control Measures. The Provost Marshal will coordinate with the unit commanding officer of the EAF to establish control measures for military and civilian employees and visitors desiring or requiring access to the EAF. Those measures taken will be to limit access to a controlled or restricted area. Entry by military police 24 hours a day.

4. EAF Operating Hours. The regular operating hours for the EAF will be from 0600-1800, Monday through Friday. The EAF will usually be closed on weekends, holidays, and from 1800-0600, Monday through Friday. The operating hours may vary due to operational/training commitments.

5. EAF Emergency Response. Procedures for emergency responses at the EAF will be coordinated by the Provost Marshal and the unit commanding officer in charge of the EAF. This will include but is not limited to crashes and unauthorized landings.

6. Fuel Storage Area. The fuel storage area is a restricted area for all personnel who do not actually work there. All personnel authorized entry to this location will have a restricted access area badge. Access requirements will be established by the unit commander.

7. Other Responsibilities. The Provost Marshal is responsible for coordinating all law enforcement activity with the unit commander in charge of the EAF. This will also include, but is not limited to, parking and speed enforcement, communications, special event activities, foreign object damage, aircraft incidents, bomb and narcotics searches, and other law enforcement activities.

4015. UNIFORM, WEAPONS, AND EQUIPMENT

1. General. Military policemen are known for their sharp military appearance and accordingly, the uniform and grooming standards for the military policemen are more stringent than for most military personnel. The behavior of an individual is often directly related to the opinion that he has developed concerning the people he has been dealing with. This opinion is as much a result of the military policeman's appearance as it is his demeanor. A military policeman who presents a sharp military appearance exudes professionalism. Such a military policeman will find that his/her authority is respected and that sensitive situations are more easily resolved when all uniform regulations are strictly adhered to.

2. Uniform Policy. All uniforms will be worn in accordance with MCO P1020.34F. Additionally, specific instructions concerning the wear of uniforms by military policemen will be promulgated by the Provost Marshal. The primary uniform for military police will be the camouflage utility uniform because of the area and nature of their duties. On occasion other uniforms will be required and will be worn as directed by the Provost Marshal.

3. Equipment. Military police equipment will be as directed by the Provost Marshal in compliance with current directives. Specifically, only equipment issued by the Provost Marshal's Office will be allowed to be worn. Equipment not issued or personally owned equipment must be approved by the Provost Marshal prior to use.

4. Weapons. All Military Police personnel must be trained in the use of weapons which they are assigned. The following weapons assigned to the Provost Marshal's Office will be assigned to appropriately trained personnel.

- a. M9 - Beretta 9mm pistol.
- b. Shotgun - Remington Model 870 pump.
- c. M16A2 - Rifle.
- d. M40 - Sniper rifle.
- e. M203 - Grenade Launcher.
- f. PR-24 - Police Baton/Regular Baton.
- g. ASP - Armament Systems Procedures Baton.
- h. Non-Lethal Chemical Agents.

NOTE: No personnel will be issued any of the above weapons without having either qualified within the last year or participated in a required familiarization course in the last six months per reference (b).

4016. ISSUANCE OF WEAPONS. The issue, turn in and clearing procedures of weapons for military police are specified in reference (c).

4017. USE OF FORCE

1. General. Military Police will strive to accomplish their mission without the use of force. Force will be used in self defense, to prevent the escape of prisoners, to prevent serious injury to persons or damage to property, when necessary to quell a disturbance, or to enforce lawful orders. Only such force as is necessary to overcome resistance by the offender will be used. Any contact with a subject utilizing the police baton and/or physical contact whatsoever, will be documented on a Statement of Force Form.

2. Definition. Use of force consists of but is not limited to:

a. Making physical contact with a belligerent individual with the intention of forcing the individual to comply with lawful orders or instructions after the person has refused to obey the Military Police, i.e., a "compliance hold" to control the person.

b. Using handcuffs, leg-irons or a straight jacket to immobilize a prisoner.

c. Using a police baton or PR-24 to protect one's self or to control a belligerent person. This includes threatening to use or drawing a baton in any manner.

d. Using a firearm in any manner including drawing the weapon from its holster.

4018. DEADLY FORCE

1. Definition. Deadly force is that degree of force which a person uses for the purpose of causing, or which he/she knows or should reasonably know, create substantial risk of causing death or serious bodily injury. It includes discharging a firearm in the direction of a person even though there is no intent to kill or the use of any other kind of force that is likely to cause death or serious bodily harm.

a. Firearms will not be aimed or pointed at any person or thing unless so required in the performance of duty.

b. The pistol will not be removed from its holster except when required in the performance of duty, i.e., when use of a firearm is justified under the conditions set forth herein; when effecting the relief of military police. or when returning the firearm to an authorized place of storage.

2. Use of Deadly Force. The use of firearms by military policemen in the performance of their duties will be in accordance with instructions contained in references (a) and (c). The use of deadly force is considered justified only under conditions of extreme necessity and only as a last resort when all lesser means have failed or cannot be reasonably employed. The firing of weapons at another person by military police is considered justified only under one or more of the circumstances contained in orders concerning the arming of law enforcement personnel, references (a) and (b). These circumstances are listed as:

a. In self defense.

b. In defense of property involving National Security.

c. In defense of property not involving National Security but inherently dangerous to others.

d. To prevent serious offenses against persons.

e. Apprehension and escape.

f. Lawful Order.

3. Special Instructions. Special instructions involving the use of firearms are as follows:

a. Military police are considered to be armed when in the possession of the normal firearm prescribed for their assigned duties together with ammunition for the firearm.

b. In no case will firearms be used until proper warning has been given. Where firearms are to be used, the military policeman will when possible, first call out "Halt." If the order is not obeyed, the order of "Halt" will be repeated. If the order is not obeyed the second time, the military policeman will fire to eliminate the threat.

c. WARNING SHOTS WILL NOT BE FIRED UNDER ANY CIRCUMSTANCES.

d. Extreme care will be taken by military police in all cases where a weapon is fired so as not to endanger the lives of innocent persons.

e. Military police will not induce or entice an individual to commit an act which authorizes them to use deadly force under the instruction contained in this Manual.

f. Under no circumstance will a military policeman ever use or draw his firearm to deceive, frighten or threaten a subject.

g. A report will be made immediately to the Provost Marshal whenever a weapon is fired by a military policeman.

4. SPECIAL NOTE. It must be considered that military working dogs may be construed as instruments of deadly force and must be treated accordingly.

4019. APPREHENSION PROCEDURES

1. Definition and Scope

a. Definition. Apprehension is the taken of a person into custody.

b. Distinguished from Detention. An apprehension is different from detention of a person for investigative purposes, although each involves police control over the freedom of movement of a person. An apprehension must be based on probable cause, and the custody initiated in an apprehension may continue until proper authority is notified. An investigative detention may be made on less than probable cause and normally involves a relatively short period of custody, usually at the location in which contact was made. Furthermore, an extensive search of a person is not authorized incident to an investigative detention, as it is with an apprehension.

c. Scope. This applies only to apprehensions made by persons authorized to do so with respect to offenses subject to trial by courts-martial and to persons subject to the Uniform Code of Military Justice.

2. Who may Apprehend. Apprehensions may be conducted by military police and persons designated to perform military criminal investigative, guard, or police duties when the person making the apprehension is in the execution of law enforcement duties. Whenever enlisted military police personnel apprehend any commissioned or warrant officer, proper notification to the Provost Marshal and Command Duty Officer must be made immediately.

3. Grounds for Apprehension. A person subject to the UCMJ may be apprehended for an offense triable by courts-martial upon probable cause to apprehend. Probable cause to apprehend exists when there are reasonable grounds to believe that an offense has been committed and the person to be apprehended has committed or is committing the offense. "Reasonable belief" means that there must be the kind of reliable information that a reasonable, prudent person would rely on which makes it more likely than not that something is true. Mere suspicion is not enough. Reports of others may be relied upon. Persons authorized to apprehend may also apprehend persons subject to the UCMJ who take part in quarrels, frays or disorders whenever they occur.

4. How an Apprehension May Be Made. An apprehension is made by clearly notifying the person to be apprehended that the person is in custody. This notice should be given orally or in writing, but it may be implied by the circumstances. In addition, any person, making an apprehension should maintain custody of the person apprehended. Details and training of apprehension techniques and circumstances to include the apprehension of women, juveniles and other civilian personnel will be followed per reference (a).

4020. SEARCH AND SEIZURE

1. General. The Fourth Amendment to the United States Constitution guarantees "The right of the people to be secure in their persons, houses, papers and effects,

against unreasonable searches and seizures..." It should be noted that this wording prohibits unreasonable search and does not make any provisions for punishment of those who violate this provision. However, Federal Law (18 U.S.C. 2236) provides penalties including imprisonment up to one year for persons who violate the law regarding illegal searches. In addition to possible criminal prosecution, civil suits for damages may result from illegal searches and seizures. The Federal Courts, having defined reasonable searches and having drawn the line between reasonable and unreasonable searches, has formulated a rule, a constitutional force which excludes from trial all matters obtained by Government agencies in illegal searches (Exclusionary Rule). This rule is enforced by military courts and not only applies to the original evidence, but may apply to derivative evidence (Fruit of the Poisonous Tree Doctrine). Application of the law on search and seizure requires the understanding of the following:

a. Search. Search is the looking for evidence of a crime and encompasses persons, houses, property, papers, and any other areas belonging to a person or organization.

b. Seizure. Seizure denotes the taking, by an authorized person, of property such as contraband, concealed weapons, stolen property, or "fruits of a crime," to submit it to the appropriate authority for legal use and disposition.

c. Search Warrant. A search warrant is a written order issued by competent legal authority directed to an authorized person, commanding him to search the person or premises described in the warrant, for property described in the warrant, written at the time designated (if stipulated) and to bring the property to the authority designated.

d. Unreasonable/Reasonable. Unreasonable means the same as unlawful, illegal, or unconstitutional, while the term reasonable means the same as lawful, legal, or constitutional. The Fourth Amendment provides for searches conducted with warrants issued "upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized." Searches under authority of a properly procured warrant would be reasonable; however, an exploratory search is unlawful whether under the authority of a search warrant or not.

e. Probable Cause. Probable cause to search exists when there are reasonable grounds to believe that items connected with criminal activities are located in the place or on the person to be searched. "Reasonable grounds" means that there must be the kind of reliable information that a reasonable, prudent person would rely on which makes it more likely than not that something is true. Probable cause is an absolute requirement which must be adequately shown before any commander can legally authorize the search of a suspect or place during the course of an investigation. Any investigator who seeks a commander's authorization to conduct a search must first provide sufficiently detailed information to the commander. From this information, the commander may determine whether probable cause exists to conduct the search. The commander may not simply "rubber stamp" or agree in the investigator's belief that probable cause exists. Indiscriminate and arbitrary searches are prohibited.

f. Admissibility. For evidence to be admissible into a military court (or any court) it must be obtained as a result of a legal search. Any evidence secured illegally and later used as probable cause for another search shall cause the evidence of the second search to be inadmissible.

2. Search and Seizure on a Military Installation. Only commanders (Commanding Generals and Commanding Officers) have the power to authorize a search warrant. A commander may authorize a search of any member of his command. However, a commander may only authorize a search of property within his control. Aboard the Combat Center, the Commanding General has the authority over all areas on board the

installation. A commander's search authorization, in written or oral form, is the equivalent to a civilian search warrant.

3. Search and Seizure off a Military Installation. A warrant for the search of persons or property and for the seizure of such property outside a military installation will be procured through the civil law enforcement agency with authority to do so. Military police do not execute such warrants. For example, it may be necessary for military police to accompany civil police in the execution of a search warrant in order to identify the person to be searched or the property to be seized. This normally occurs when a military person or government property is involved.

4. Persons Who May Search/Seize. Any commissioned officer, warrant officer, petty officer, noncommissioned officer and when in the execution of police duties, any criminal investigator, military policeman or any agent of any such person, may, pursuant to these provisions, conduct a search, when a search authorization is required and has been granted or when a search authorization and/or probable cause is not required, and/or seize evidence. ONLY FEMALES MAY SEARCH FEMALES, except in extreme circumstances involving officer safety, i.e., weapons, firearms, contraband, syringes, etc., searches will be conducted by whichever military policeman is involved in the presence of 2 other military police who will observe the search.

5. Search and Seizure Not Requiring Probable Cause

a. Gate Searches. Pursuant to his authority to maintain good order and discipline aboard the Combat Center, and to ensure the health, safety and welfare of all personnel, the Commanding General may order searches of persons and property, including vehicles, entering or leaving the Combat Center.

b. Searches of Government Property. Government property may be searched unless the person to whom the property is issued or assigned has a reasonable expectation of privacy therein at the time of the search. Wall or floor lockers in living quarters issued for the purpose of storing personal possessions normally are issued for personal use.

c. Consent Searches. Searches may be conducted of any person or property with lawful consent of that person or the person in control of the property. The consent must be freely and voluntarily given.

d. Searches Incident to a Lawful Stop. A person may be stopped temporarily when military police making the stop have information or observe unusual conduct that leads them to reasonably conclude in light of their experience that criminal activity may be occurring.

e. Search Incident To a Lawful Apprehension. A person who has been lawfully apprehended may be searched.

6. Searches and Seizures Requiring Probable Cause

a. Searches and Seizures Requiring Authorization. A search authorization must be based on probable cause and presented to the authorizing officer.

b. Scope of Authorization. The authorizing officer can authorize a search only if he has control over the person or area to be searched. Authorization for search of housing units which include 801 housing, must be obtained from the Commanding General.

c. Searches and Seizures Not Requiring Authorization. Search and seizure not requiring authorization depends on Exigent Circumstances, which is a search where authorization is not required based on probable cause due to the circumstances which

dictate immediate action to prevent the loss or destruction of evidence, escape of a suspected criminal, or the safety of military police or other personnel.

4021. CONDUCT OF THE SEARCH

1. Personnel authorized to conduct the search shall search only the person/area designated. If, in the course of the search, facts and circumstances indicate that the scope of the search should be extended, they shall immediately inform the authorizing officer or the person granting consent to search and obtain additional authorization to expand the search area.

2. Personnel conducting a proper authorized search will seize all items set forth in the authorization and those items not anticipated at the time of the authorization which are in plain view indicate they may be evidence or instrumentality's in the commission of a crime.

4022. REPORTING OF INCIDENTS. The military police must use numerous forms in the performance of their duties. The required documents/forms utilized by the Provost Marshal's Office for reporting incidents and recording information will be determined by the Provost Marshal and in compliance with reference (a).

4023. MILITARY POLICE BRIEFINGS AND INSPECTIONS. All military police personnel will be provided up to date information which allows them to do their duties efficiently and effectively. This includes, but is not limited to, pre-duty briefings frequent inspections, block training, and any other formal or informal briefing.

4024. OPERATION OF MILITARY POLICE VEHICLES

1. Responsibilities. Military police will have in their possession a valid government operator's license when operating a government emergency vehicle. The driver is responsible for the vehicle at all times and is answerable for his/her actions or lack of action as it pertains to the use and or damage of the vehicle. All damages, whether incurred by neglect or not, will be reported. Seatbelts will be used at all time including passengers and those under apprehension. Operators will wear a complete uniform, including covers, except in cases when the individual is too tall and the cover may cause a potential safety hazard. Vehicles will be used for authorized military police duties only.

2. All military policemen will operate their assigned vehicle in accordance with Combat Center Order 11240.2A and references (d) and (e). No deviations are authorized unless directed by the Provost Marshal.

4025. USE OF EMERGENCY WARNING DEVICES. Warning devices such as lights and sirens do not always assure military police the right-of-way. Accidents have occurred because a motorist failed to hear the siren, notice emergency lights and/or the military policemen takes for granted that the blue lights or siren gives him exclusive use of the streets and highways. The proper use of emergency warning devices coupled with safe driving habits will reduce the added hazards of emergency driving. A course on emergency driving techniques and use of emergency warning devices will be included in military police training.

4026. TRAFFIC STOPS

1. General. There is no such thing as a routine traffic stop. Each traffic stop is considered a new situation and the military policeman should remember that each

traffic stop will be different and he/she will be dealing with a different person. Therefore the military policeman must remember that every traffic stop imposes an "unknown risk" and in some cases a dangerous situation. This section will distinguish between a traffic stop and a felony stop. Traffic stops will be conducted in accordance with established law enforcement procedures and emphasize safety.

2. Felony Traffic Stops. The felony traffic stop is the most dangerous of all traffic stops. Because of the serious consequences of this type of action, procedures must be adhered to closely. The primary concern of this type of traffic stop is the safety of the military police making the stop and the safety of innocent bystanders.

3. Authorization. The felony stop is a "deadly force" situation, therefore, the current orders applying to the Use of Deadly Force must be strictly adhered to. When a felony stop is made the drawing of sidearms or bringing shoulder weapons to the ready is the primary distinction between a felony stop and a normal traffic stop. This authorization may sound contrary to instructions in the order on Use of Deadly Force, but without appropriate precautions taken on felony stops it could lead to serious injury or death. Immediate notification of supervisory personnel is required.

4027. ARMED FORCES TRAFFIC CITATION DD FORM 1408

1. Issuance and Jurisdiction. All personnel entering the Combat Center are subject to all Combat Center and state traffic regulations. The Armed Forces Traffic Citation will be the citation form utilized to be issued to military personnel, dependents, civilian workers and visiting civilians. Offenses involving civilians, including driving under the influence of drugs or intoxicating liquors, will be referred to the local law enforcement agencies as directed.

2. Impounds and Mechanical Violation (Fix-It) Tickets

a. All vehicles driven by individuals who are on the revocation/suspension list are to be immediately impounded and a DD Form 1408 issued. If the driver is on the revocation/suspension list and the vehicle is not theirs, the vehicle will be impounded and the owner must be directed to retrieve his/her vehicle. Careful attention must be given to ensure that a person whose suspension period has expired does not have their vehicle impounded for not having a letter of reinstatement. This may require the notification of the Traffic Court Clerk and/or the Vehicle Registration Section, including verification of file copies of PMO Traffic Court documents if the situation permits.

b. Vehicles bearing temporary or permanent passes issued to other vehicles will be secured on scene. The keys will be relinquished to the command representative or OOD, and the driver will be apprehended and issued an Armed Forces Traffic Citation. Vehicles in these circumstances will not normally be impounded unless directed by the Provost Marshal.

c. All impounds will be accomplished only with the approval of the Provost Marshal or his representative.

d. When a driver is cited for driving a vehicle with a mechanical violation a "fix-it" ticket is issued. The driver will be instructed to report within 3 working days to the Traffic Court Clerk at Bldg 1408. Drivers receiving "fix-it" tickets cannot appear in Traffic Court to dispute the ticket. The purpose of the citation is to correct the discrepancy, if the discrepancy is not corrected the owner will be required to remove the vehicle from the Combat Center.

3. Instructions to Violators. All personnel receiving citations on board the Combat Center will be provided reporting instructions by the military policeman.

4. Performing Traffic Stops and Filling Out the DD Form 1408. The Provost Marshal will provide traffic stop procedures and procedures for filling out the DD Form 1408.

4028. DRIVING UNDER THE INFLUENCE OR DRIVING WHILE IMPAIRED FROM ALCOHOL OR DRUGS

1. Information. All individuals processed for driving while impaired/driving under the influence (DWI/DUI) with a Blood-Alcohol Content (BAC) reading of .05% to .079% are driving while impaired (DWI) and those with a BAC of .08% or higher are driving under the influence (DUI). Additionally, those of a .05% or higher BAC or those who refuse to submit to any alcohol detection test, will automatically be issued a Letter of Temporary Suspension. The military police will ensure that all required procedures are followed.

2. Procedures. Patrol personnel observing a vehicle in which the operator appears to have been drinking or is under the influence of drugs will attempt to stop the vehicle in the safest means possible and conduct appropriate sobriety test to determine if the driver is under the influence.

3. Off-Base Apprehensions for DWI/DUI. Upon receipt of information from civil authorities of the apprehension of military personnel or civilian personnel authorized to drive on the Combat Center for DWI/DUI, the following procedures will be followed:

a. As soon as the military person arrives at the Combat Center, they will be transported to PMO where they will be issued a Letter of Temporary Suspension.

b. The individual will then be instructed to report to the Vehicle Registration Section the next working day with their vehicle for decal removal or, if appropriate, a colored strip designating required limited driving privileges.

c. In all cases, upon reporting to Vehicle Registration, the operator/owner of the vehicle will be issued a parking permit for the Revocation Lot.

d. Spouses of all personnel on base suspension/revocation will report to Vehicle Registration for the appropriate change of decal and additional instructions.

4029. TRAFFIC CONTROL. Military police will be deployed as necessary for traffic control, to ensure the smooth and orderly flow of traffic. This will not preclude military police from taking corrective action on their own initiative should they encounter an obvious congested traffic situation aboard the Combat Center. When actively engaged in controlling traffic, military police will not be required to render the hand salute to officers except in the case of a flag or general officer.

4030. TRAFFIC ACCIDENTS. Response to traffic accidents is the responsibility of all military policemen. Military police must know how to direct traffic flow, secure the scene and render any first aid if necessary. The Accident Investigation Division will conduct the proper investigation of the incident.

4031. RADAR OPERATION

1. General. The purpose of speed detection devices is to aid the military policemen in the enforcement of traffic regulations. When properly utilized, speed

detection devices are a tremendous asset to the military police. The Operator must be thoroughly familiar with and certified in the use of the particular detection device.

2. Radar Training. Comprehensive training is the key to the successful utilization of the speed detection system. Therefore, all military policemen who operate the radar system are required to have successfully completed the prescribed training for each type of speed detection system they are expected to operate.

3. Calibration of Speed Detection Equipment. It is required that the calibration test, light test and the complete tuning fork test be conducted at the beginning and end of each patrol shift. A written log will be utilized for verification of tests conducted. In that there are several types of speed detection systems in use, calibration procedures will strictly follow the respective calibration manuals.

4. Operation Procedures. The operation of speed detection devices at the Combat Center will be in accordance with the operations manuals and training procedures specific to each device.

5. Maintenance of Operation and Calibration Manuals. The responsibility of maintaining the operation and calibration manuals for each of the speed detection devices is the responsibility of the Accident Investigations Chief.

6. Radar Maintenance. Maintenance and repair of the speed detection devices is the responsibility of the Accident Investigations Chief.

4032. TOWING PRIVATELY OWNED VEHICLES. All towing of vehicles on board the Combat Center will be conducted per references (d) and (e).

4033. DURESS CODE AND ALARM PROCEDURES

1. General

a. Due to their functions, certain activities at the Combat Center employ duress codes/alarms systems for the purpose of physical security. These systems are monitored by the Provost Marshal's Office.

b. Responses to alarms require military policemen to be familiar with the location of the alarm and knowledgeable of the action to be taken. Normally, the Provost Marshal's Office will receive the alarm through the Intrusion Detection System (IDS) or telephonically at the Provost Marshal's Office.

2. Policy. The fact that the majority of alarms tend to be malfunctions, may invoke an attitude of non urgency by military policemen. Such an attitude is extremely dangerous. Scores of law enforcement officers are killed annually because they develop such an attitude. For this reason, all alarms received by the Provost Marshal's Office will be considered real and treated as such.

4034. UNSECURED BUILDINGS. The Provost Marshal's Office is responsible for investigating all reports of unsecured buildings on board the Combat Center. Safety will be the utmost importance when investigating unsecured buildings and all procedures will adhere to concerning safety and security precautions.

4035. DOMESTIC DISTURBANCES. Law enforcement personnel usually associate domestic disturbances as some kind of disagreement between a man and a woman, usually a husband and wife. This disagreement may be anything from an argument to a physical

altercation. Not always does a domestic disturbance involve family members, but neighbors and any other situation where people are involved in a quarrel. One of the missions of the military police is the maintenance of discipline, and law and order within the Command. To reestablish order and preserve the peace, military police are often required to intervene in domestic disturbances. The objective of military police intervention should be to initiate action that will neutralize the crisis. These procedures are covered in detail by Provost Marshal Instructions.

4036. PROWLER CALL PROCEDURES. The frequent lack of success in apprehending reported prowlers, coupled with many unfounded reports, may cause a lack of concern by the military police which could prove to be dangerous. This lack of success cannot always be attributed to a unfounded report. Sound field procedures demand that all calls be thoroughly investigated. For the purpose of this Manual, a prowler is defined as one who roams about furtively, one who illegally has entered or attempted to enter a family quarters, or one who is categorized as a "Peeping Tom" (a voyeur). The military police will assume the call is urgent and real until proven otherwise.

4037. ESCORT PROCEDURES. Military Police perform escort duty in order to provide security, to prevent congestion, or to expedite movement of a traffic unit consistent with speed laws and safety. Safety is not to be sacrificed for speed during the normal escort, and consideration must be given to other roadway users and the obedience of traffic laws.

4038. CONTROL OF RIOTS AND DISORDERS

1. General. When disturbances occur aboard the Combat Center, the mission of the military police is to restore law and order, not to impose punishment. The conduct of the military police in a disturbance must be to remain emotionally objective, despite whatever personal feeling they hold as individuals.

2. Authority. Title 18, U.S. Code and reference (a) provides the guidelines for the Commanding General to quell and control riots and civil disorders which may affect the discipline and morale of the Armed Forces and their families living on board the Combat Center. The Provost Marshal, acting in the name of the Commanding General, is the law enforcement body designated to quell and control riots and civil disorders.

3. Military Police Behavior in Crowd Control. A Military Policemen must remember that whenever he is confronting an excited or hostile crowd that is potentially dangerous, only a slight incident is needed to turn it into a volatile situation. The example set and the ability to maintain order are the best deterrents to possible problems.

4. Command and Control. Command and control of the situation lies with the Provost Marshal.

5. Procedures

a. Civilian Demonstrators. When confronted with civilian demonstrators on the Combat Center or civilians attempting to gain entry to the Combat Center for the purpose of demonstrating or to otherwise create a disturbance, the Provost Marshal will be guided by the following procedures:

(1) Isolate. Utilize the reaction force to isolate the demonstrators from any other personnel.

(2) Proclamation. When the demonstrators have been isolated, the Provost Marshal will read the proclamation, as shown in Appendix A, to the demonstrators.

(3) Initial Announcement. After the proclamation has been read to the demonstrators, an appropriate amount of time (5-10 minutes) will be allowed for them to leave on their own accord. If they do not react to the proclamation, the Provost Marshal will read paragraph 1 of the Initial Announcement as shown in Appendix B.

(4) Disperse. If the number of demonstrators is small enough, the Provost Marshal will utilize the military police reaction force to disperse the crowd. If the crowd is too large to handle with the reaction force, the Provost Marshal will keep the demonstrators isolated and request assistance from the CDO for more personnel. When an appropriate number of personnel have assembled at the scene, then commit the reaction force to disperse the crowd.

(5) Apprehension. On order of the Provost Marshal or his representative, the demonstrators will be apprehended, identified, and cited under Title 18 of the U.S. Code, and/or removed from the Combat Center by releasing them to appropriate authorities or on their own recognizance.

(6) Identification. Depending upon the total demonstrators involved and their attitude, procedures for identification will be initiated. If peaceful and off the Combat Center, the duty photographer will take general on-the-scene photographs. Those demonstrators apprehended on the Combat Center by military police will be transported to PMO, then released to civilian authorities.

(7) Disposition. Demonstrators, once identified will be cited under Title 18 of the U.S. Code.

b. Military Demonstrators. When confronted with military demonstrators, on the Combat Center, that cannot be controlled, the Provost Marshal will be guided by the following procedures:

(1) Isolate. Utilize the reaction force to isolate the demonstrators from any other personnel.

(2) Order to Disperse. When demonstrators have been isolated, the Provost Marshal will order the demonstrators to disperse immediately.

(3) Failure to Disperse. If the demonstrators fail to recognize the order to disperse, the Provost Marshal will utilize the reaction force to disperse the crowd.

(4) Apprehension. On order from the Provost Marshal, the demonstrators will be apprehended, identified and returned to their organization with a report of their actions to follow.

4039. DETENTION CELL PROCEDURES

1. General. The purpose of the detention cell facility is to temporarily detain personnel of the Armed Forces until they can be transferred to or returned from the correctional facility at MCB Camp Pendleton or to detain a military person who is violent or an escape risk from the respective command.

2. Policy. It is the policy of the Provost Marshal's Office that the treatment of person(s) in the holding facility be in full accord with the provisions of the UCMJ and reference (a). The holding facility, or detention cell, may be used for short term restraint. "Short term" in this respect, means ordinarily not more than

overnight. This limitation may, if necessary, be extended for persons who are awaiting investigation, trial, consultation with counsel, or who are awaiting transfer to a designated place of confinement.

3. Medical Examination. If an individual appears to be ill or has visible injuries, requests medical attention, or exhibits an abnormal loss of control because of suspected or actual use of alcohol or drug use, the individual will be examined by medical personnel and certified as being fit for confinement prior to being placed in the detention cell. Otherwise a person may be detained in a detention cell for up to 24 hours. No person shall be detained beyond 24 hours without a medical examination.
4. Serious Incidents. Notification of serious incidents, such as injury or death of a detainee, will be immediately reported to the Provost Marshal.
5. Emergency Plan. An emergency plan will be established for the safety of the detainees in the event of fire or disorder.
6. Extended Detention. In the event of the need to extend a detainee beyond the 24 hour period a medical examination and a Confinement Order signed by the Commanding Officer of the individual is required.

4040. JUVENILE AND DEPENDENT CHILDREN PROCEDURES

1. General

a. Parents shall be accountable for the actions of their children which result in destruction of government or personal property, violates accepted moral and/or ethical codes, or is detrimental to discipline and good order of the Combat Center.

b. Juveniles are persons who have not yet attained their 18th birthday. Active duty military personnel are not covered under this Order.

2. Jurisdiction. The UCMJ does not apply to those personnel who are not in the Armed Forces. The Commanding General, however, has extensive responsibilities concerning all aspects of the Combat Center activities and has commensurate authority. Military police personnel, including criminal investigators, under the authority of the Commanding General, are responsible for the investigation of all criminal offenses and acts which endanger Combat Center and tenant personnel, their property and the property of the United States.

3. Procedures. Juveniles may be detained for any violations of federal, state, or Combat Center regulations. Any time a juvenile is detained, except for curfew violations, a complete report will be written on the incident and the parents/guardians notified immediately.

4. Referral to Outside Agencies

a. Since the Combat Center is an area of proprietary jurisdiction, adjudication and disposition of offenses involving juvenile offenders is limited to administrative type actions imposed by the Commanding General or referral of the incident to the local law enforcement agencies. The agency who holds jurisdiction over all juvenile matters on this installation is the San Bernardino County Sheriff's Office (SBCSO).

b. As a general rule, notwithstanding the provisions of present orders, incidents involving juveniles will not be referred to NCIS. Such investigations will be referred to that agency only when a specific investigative service or liaison is deemed essential for resolution of the matter. Serious incidents involving juveniles and that fall into the Memorandum of Understanding with NCIS

will be referred to that agency. Other matters concerning prosecution needs against juveniles will be referred to the SBCSO.

5. Detention of Juveniles. In the case of the detention of juveniles the parents or legal guardian of the juveniles will be notified immediately. If they cannot be notified efforts will continue until they are contacted and information given to them concerning their children. Also, because juveniles are not subject to the UCMJ, the detainment of juvenile suspects in the detention cell is strictly prohibited unless authorized by the Provost Marshal.

6. Records and Reports. One of the most serious problems in the handling of juvenile cases concerns records of the investigation. Since there are not specific regulations concerning the types of incidents recorded, the military police should exercise discretion and sound judgment, will establish procedures for the reporting of juvenile incidents.

7. Release of Information. Information, including that contained in Military Police Incident Complaint Reports/Criminal Investigation Reports, will be safeguarded and released only upon approval of the Provost Marshal.

8. Files. All juvenile reports that identify juveniles as suspects of a crime must be kept in a file separate and apart from all other files and records. Public Law 93-415 provides for this requirement. This law also restricts the release of information involving a juvenile suspect. A blotter entry will be made to reflect Juvenile/Restricted Entry/Offense.

4041. MISSING PERSONS

1. Procedures. Reports of missing persons will be processed by the Provost Marshal's Office.

2. Reporting. Missing persons will be reported to the local law enforcement agencies and a report and blotter entry made.

3. Coordination. Coordinate all activity with the command of missing military personnel, and with civilian or dependent personnel coordinate with organizations as required.

4042. UNAUTHORIZED SOLICITATION

1. Information. Reference (d) prohibits unauthorized solicitation aboard any part of the Combat Center by military or civilian personnel.

2. Procedures. The following action will be taken by military police with respect to identified unauthorized solicitors:

a. Military Personnel. Unauthorized solicitors identified as active duty military personnel will be escorted to the Provost Marshal's Office where a report will be prepared and the individual returned to command control.

b. Civilian Personnel. Unauthorized solicitors identified as civilians will be detained and transported to PMO where a report will be prepared. Civilian, after being advised of the regulations governing solicitation aboard the Combat Center, will then be turned over to the local authorities.

4043. HOSTAGE SITUATIONS/BARRICADED SUSPECTS

1. General. The responsibility for preparing plans to deal with a barricaded captor/hostage situation rests with the Provost Marshal. Experience has shown that the possible variations of location, captors involved, number and type of hostages held, etc., are almost infinite. Therefore, mostly general planning considerations will be addressed. The entire psychology of these types of operations is predicated on the preservation of human life, and this will receive first priority in devising any strategy. Strict weapons discipline will be maintained at all times. Initial efforts will be directed toward containing the suspect within the smallest possible area; stabilizing the situation; and easing the suspect's anxieties and tensions. As early as possible attempts will be made to relieve the situation through negotiations. Time is one of our advantages, violent acts are less likely to occur with the passage of time.

2. Operational Guidelines

a. Weapons Discipline. Weapons discipline is an important factor during a barricaded suspect/hostage situation. On-scene personnel, especially in the initial containment phase, may have a tendency to discharge their firearms at the least provocation. Initial containment personnel must refrain from any firing that would endanger the hostage(s) or innocent bystanders. The rules of the Use of Deadly Force will apply.

b. Perimeters. An inner and outer perimeter will be established as soon as possible, and maintained by military police throughout the hostage situation. All nonessential personnel will be evacuated from within the perimeter.

c. Command Post

(1) A command post must be located in the immediate vicinity of the operation (preferably between the inner and outer perimeters) and adequately supplied with communications facilities.

(2) Equipment and trained personnel should be established at the command post to handle the situation and for the maintenance of a chronological history of events as they occur during the operational situation.

d. Auxiliary Support Equipment and Personnel. As soon as the situation has reached the containment stage, adequate fire fighting and medical equipment and personnel will be brought to a location established by the Provost Marshal.

e. News Media. Another consideration should be liaison with the news media in an attempt to secure its cooperation during the course of the operation. This will be the responsibility of the Public Affairs Officer. There will be no information provided by military police personnel to the news media.

f. Liaison with other Command/Law Enforcement Agencies. Liaison with other commands or law enforcement agencies will be established on order of the Provost Marshal for possible assistance in such areas as: helicopter support, additional personnel and equipment, etc.

3. Gates. Upon notification that a hostage situation is in progress, the Provost Marshal will have the discretion of control of the gates for inbound and outbound traffic.

4044. FELONY WARRANTS AND RAIDS1. Procedures for Organizing a Raid

a. General. A raid is used to control criminal activity through the apprehension of persons suspected of criminal activity and/or the seizure of evidence associated with criminal activity.

b. Organization. To organize a raid, evidence or information must be obtained from a reliable or credible source that can indicate/identify that criminal activity has occurred at a specific location. This can be accomplished by sound and accurate investigative procedure, through personal knowledge, accumulation of physical evidence and information provided by victims, witnesses, informants, and/or other suspects to the crime.

c. The following procedures will be used:

(1) Gather the evidence and/or information.

(2) Evaluate the source of evidence and/or information.

(3) Evaluate the evidence and/or information.

(4) Establish the location of criminal activity.

(5) Obtain a Command Authorization for Search and Seizure. Include in the authorization a request for a dynamic entry if it is indicated.

(6) Obtain a Command Authorization for Apprehension of suspect if one is known or get a John Doe name authorization.

(7) Identify the command authority to whom to report the results of the raid; this is usually the Provost Marshal or designee.

(8) The Provost Marshal or designee will be the on scene commander and specify the initial level of force to be utilized.

2. Procedures for the Conduct of the Raid

a. Establish the command post.

b. Select personnel best suited/trained for the raid.

c. Identify specific training specialty requirements for personnel.

d. Establish the purpose of the raid.

e. Utilize photographs, diagrams, floor plans, or any other material that describes the area to be raided.

f. Have a prepared five paragraph order for the raid.

g. Review the plan with all personnel until they are thoroughly familiar with the operation. This would include but is not limited to tactics, team and individual assignments, team responsibilities, assembly area, equipment requirements (weapons, communications, protective equipment, chemical agents, etc.) and level of force to be used.

h. Select/assign required equipment to designated personnel.

i. Designate the use of force requirements but do not override the individual's right to use force as identified in the deadly force orders.

j. Conduct the raid.

k. Report the results of the raid in detail to designated personnel.

3. Authority. All authority concerning the operation lies with the Provost Marshal as designated by the Commanding General. In the absence of the Commanding General this authority may be granted by the Chief of Staff. All plans will be approved prior to activation. In the event authority cannot be obtained the raid will not be conducted unless it is a life or death situation. Then the area will be isolated and cordoned off until necessary authority can be obtained.

4045. BOMB THREAT PROCEDURES

1. General. Usually, information that an alleged bomb has been placed on the Combat Center is received by phone or by other means. It is usually called into the building involved and the identity of the caller will not be known. On occasion, the military police will receive such calls directly. Each call must be treated as legitimate. Never assume that it is the work of a crank or juvenile caller.

2. Procedures. The Provost Marshal will establish procedures in accordance with common, acceptable law enforcement practices.

3. The Search. Searching the building and declaring it safe is the responsibility of the unit commander or Officer of the Day.

a. The assistance of the explosive detection dog may be requested and utilized whenever possible.

b. Residents, janitors, or others familiar with the area should assist in the search.

4046. RESPONSE TO FIRES

1. General. When notified of a fire aboard the Combat Center, the military police will send a patrol unit to proceed to the scene of the fire to provide traffic control and military police support. Any requirements for additional military police support shall be determined by the responding patrol and by contacting the person in charge at the scene of the fire.

2. Authority. The Fire Department will have full authority at the scene of a fire. Military police will provide support as requested but the Fire Department.

4048. POWER OUTAGES. In the event of an electrical power outage, the military police will ensure that the required procedures are followed and that all assistance necessary for the safety of persons and property is provided.

4049. PUBLIC INFORMATION. Members of the Provost Marshal's Office will not divulge any information to any civilian news agency but will direct to the Public Affairs Office. Telephone inquiries from the Public Affairs Office will be referred to the Provost Marshal or his designated representative. No representative of the civilian news media will be admitted to the Combat Center unless accompanied by a member of the Combat Center Public Affairs Office.

4050. OTHER DUTIES. Since law enforcement duties cannot always be determined to the fullest extent, the Provost Marshal is directed to establish all other procedures, policies, orders and instructions as required for the appropriate security and safety of the Combat Center.

CHAPTER 5

CRIMINAL INVESTIGATIONS DIVISION

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SOP FOR THE PROVOST MARSHAL'S OFFICE

CHAPTER 5

CRIMINAL INVESTIGATIONS DIVISION

5001. GENERAL. The Criminal Investigations Division (CID) is established within the Provost Marshal's Office to provide the Command and the Provost Marshal with the capability to conduct investigations into offenses in accordance with the Manual for Courts-Martial, and reference (a). All investigative resources and capabilities are to be used to the fullest extent possible.

5002. MISSION.

1. The CID is an integral part of the Provost Marshal's Office. The mission of the CID is to assist the Commanding General by providing professional investigative assistance to organizational commanders of the Combat Center and such other areas as may be designated. To support the mission, the CID will:

2. Conduct a preliminary inquiry of all complaints of criminal offenses for the purpose of determining if, in fact, an offense has been committed. This inquiry provides a firm and reliable basis for determination as to what investigative agency has primary investigative jurisdiction.

3. Maintain the capability of conducting complete investigations of all complaints not assumed by the Naval Criminal Investigative Service (NCIS), including felonies and misdemeanors, as well as military type offenses, and the submission of appropriate reports to the appropriate organizational commanders and cognizant command staff sections.

4. Effect and maintain close liaison with local law enforcement agencies, and provide investigative assistance to those agencies in matters of mutual interest.

5. Provide professional and technical assistance to organizational investigation officers, federal law enforcement agencies, NCIS, and local civil law enforcement agencies.

6. Maintain an evidence storage facility to ensure the preservation and integrity of evidentiary items seized during the conduct of investigation.

7. Provide an authorized operator assigned to be able to conduct polygraph examinations in support of criminal investigators and Marine Corps judiciary activities located at the Combat Center, as available.

5003. ORGANIZATION. The CID consists of the following:

1. Investigations Officer. The Investigations Officer, or in that officer's absence, the Chief Investigator, function as the manager of the CID and is operationally responsible to the Provost Marshal.

2. Chief Investigator. The Chief Investigator will assume the duties of the Investigations Officer during his absence. Duties will be identified by the Investigations Officer and the Provost Marshal.

3. Criminal Investigators. Criminal Investigators will be trained by professional special investigators in accordance with current directives. Criminal Investigators will be familiar with appropriate orders and directives in the performance of their duties. Their primary responsibility is to conduct investigations as directed.

4. Military Police Investigators. Marines assigned to CID as Military Police Investigators (MPI or Apprentice Investigators) will conduct investigations of minor offenses not normally handled by CID personnel. MPI's will be guided by policies and procedures in the conduct of investigations as set forth by the Provost Marshal and the Investigations Officer.

5. Polygraph Examiners. This is an additional duty assignment, for which the incumbent will be qualified and will be certified and accredited by the Commandant of the Marine Corps. The polygraph examiner will be available to discuss the merits of a polygraph examination with investigators and staff judge advocates and when convinced an examination is warranted will obtain approval from the Commandant of the Marine Corps (POS) to administer the examination.

6. Evidence Custodian. The Evidence Custodian will be designated the additional duty within the Provost Marshal's Office and will be responsible for all property received in evidence and held in the evidence room. The custodian will be designated in writing by the Provost Marshal and will be guided in his duties by reference (a).

7. Administration. The clerk or secretary position is usually filled by a civil service employee whose primary duty consists of preparing all investigative reports for signature and distribution. Also, types routine correspondence, witnesses interviews and interrogations of females when required, keeps records and files for preparations of periodic reports and statistics, and performs other job related clerical and secretarial skills and duties as required.

5004. CREDENTIALS

1. General. Each investigator assigned to the CID will be issued a set of credentials, properly authenticated, identifying him/her as a Marine Corps Criminal Investigator or Military Police Investigator.

2. Identification. Investigators, when performing official Marine Corps investigative duties, will have in their possession the credentials assigned for presentment to appropriate authorities or persons for identification purposes.

3. Responsibility. It is individual responsibility of each investigator to safeguard his credentials. If lost, stolen, or misplaced, the circumstances will be immediately reported to the Provost Marshal, who will initiate an inquiry to determine the act surrounding the loss, and actions to be taken.

5005. ATTIRE. In accordance with current directives, enlisted accredited CID Investigative are entitled to an initial civilian clothing monetary allowance and maintenance allowance. CID Investigators are authorized to wear civilian clothing routinely. Civilian clothing, when worn, will be neat, clean, conservative, and commensurate with local standards of apparel. Eccentric dress, loud colors, or "mod" styles are not deemed appropriate civilian attire. During normal working hours, while testifying in judicial proceedings, or when involved in routine situations with other law enforcement agencies, the civilian attire will be commensurate with other local investigators and/or civilian counterparts.

5006. WEAPONS

1. Criminal Investigators are authorized to carry concealed weapons on their person while in the performance of official investigative duties. Investigators are directed to be familiar with the contents of orders regarding the circumstances under which a weapon may be utilized. Adequate weapons and ammunition for normal

use are available at the military police armory. The use of personal weapons and/or ammunition is strictly prohibited.

2. Weapon qualification is required for all investigators. The T/O weapon is a 9mm pistol. Personnel must qualify annually with their assigned weapon and participate in other weapons training as required.

3. Other equipment authorized to be carried by investigators are handcuffs, Capstun and any other equipment the mission may call for.

4. Weapons Retention. Firearms will be returned to the armory daily; however, if the nature of the assignment requires that a firearm be retained other than normal working hours, the Provost Marshal may authorize retention of the firearm until completion of the assignment.

5007. TRAINING. Criminal Investigators will participate in required military training when directed by appropriate authority. When investigative duties preclude attendance at military training, this fact will be made known to the Chief Investigator and make up training scheduled.

5008. AUTHORITY AND JURISDICTION

1. Authority. The authority of investigators assigned to the Criminal Investigative Division to conduct criminal investigations is vested in and derived from the authority of the Commanding General, to cause an investigation to be conducted at such times as complaints are received or made, alleging a specific offense has been committed within the confines of the Combat Center, in accordance with the Uniform Code of Military Justice. This includes investigation off the Combat Center in which the command has an interest.

2. Jurisdiction. The limited jurisdiction authorized the Commandant of the Marine Corps in the conduct of criminal investigations as set forth in reference (a). The guidance set forth in this directive is further modified by authorized and existing procedural agreements between the Director, Naval Investigative Command and the Commandant of the Marine Corps (POS). Investigators assigned to the Criminal Investigation Division will be familiar with and govern their individual actions by these directives.

3. Area of Responsibility. The primary area of responsibility of the Investigative Division encompasses the Marine Corps Air Ground Combat Center, Twentynine Palms, CA. Investigators are authorized to represent the Provost Marshal and the Commanding General on Marine Corps criminal investigative matters in areas outside the immediate area of the Combat Center when directed.

5009. COMPLAINTS. The Investigative Division is responsible for conducting a preliminary inquiry of all designated complaints referred to them by the military police to determine if, in fact, a criminal offense has been committed. Once such a determination is made, criminal offenses are investigated or referred to the agency exercising investigative jurisdiction as appropriate.

5010. REFERRALS. Those serious criminal offenses defined in applicable orders will be promptly referred to the NCIS. Whether or not NCIS assumes investigative jurisdiction, the duty investigator will ensure that appropriate steps are taken to preserve the integrity of the crime scene and evidence. Complaints of offenses occurring off-base will be referred to the appropriate civil law enforcement agency.

5011. REPORTS. Criminal Investigation Reports (ROI) will be prepared per reference (a).

5012. FILES. Investigation Division correspondence files will be maintained per reference (a).

5013. POLYGRAPH EXAMINATIONS

1. General. The polygraph examination is generally classified as a scientific aid to an interrogation and is not a means for determining the innocence or guilt of a person suspected of or charged with committing a criminal offense. The objective of a polygraph examination is to ascertain if a person's reactions, as recorded, indicate truthfulness. This aids in verifying statements, testimony, evidence, the whereabouts of a wanted person. It also assists in obtaining the facts when a test indicates the person has been deceptive.

2. Polygraph Examiners. In accordance with SECNAVINST 5520.3, only those investigators who have successfully completed the Polygraph Examiner's Course at the Department of Defense Polygraph School, and have been further accredited by the Commandant of the Marine Corps as Polygraph examiners, are authorized to conduct polygraph examinations. If there is not a polygraph examiner assigned the Combat Center's Provost Marshal's Office, polygraph examination services may be utilized at other Marine Corps Installations which have a polygraph examiner assigned to the Provost Marshal's Office.

5014. CRIME LABORATORY. The Investigative Division maintains laboratory capability for field analysis of drugs only. All other laboratory requirements are provided by the U.S. Army Criminal Investigation Laboratory, Naval Criminal Investigative Service laboratory, or other investigative laboratories as required.

5015. INFORMANTS

1. General. Like evidence, people are sources of information. In addition to the victim and witnesses, an informant is a widespread law enforcement practice. The selection and utilization of informants will be in accordance with current directives and is highly encouraged.

2. Release of Information of Informants. The name of a confidential informer is privileged information and will not be released to anyone without the expressed approval of the Provost Marshal. Commanding Officers will be informed and kept abreast of the use of informants from their commands.

5016. LIAISON WITH NAVAL INVESTIGATIVE SERVICE AND OTHER AGENCIES. When it has been substantiated that a criminal offense has occurred requiring referral to NCIS or another investigative agency, the NCIS Office at MCAGCC will be advised.

5017. SURVEILLANCE, UNDERCOVER OPERATIONS AND RAIDS. Surveillance and undercover operations are excellent methods for acquiring police information; however, they require sound techniques and the use of experienced investigators. They are closely related because in each instance, the investigator relegates his official standing to an obscure identity in order to accomplish the mission. The raid is one method of exploiting intelligence gained from surveillance or an undercover operation. Procedures for these duties will be provided by the Provost Marshal in accordance with legal requirements and established, accepted law enforcement procedures.

5018. PERSONNEL SECURITY DETAIL (PSD). Criminal Investigation Division personnel will perform all personnel security missions as directed by the Provost Marshal. The primary mission is to safeguard important visitors whose position may or does attract the possibility of them being the target of a violent or embarrassing act.

SOP FOR THE PROVOST MARSHAL'S OFFICE

APPENDIX A

PROCLAMATION

1. The Commanding General of the Marine Corps Air Ground Combat Center, Twentynine Palms, California, enjoins you to take heed of Marine Corps Orders which prohibit any kind of unauthorized demonstrations for any reason, by any group of persons, on this installation. Entry onto this Federal reservation for the purpose of taking part in an unauthorized demonstration constitutes a violation of the Order.

2. Under Title 18, Section 1381 of the U.S. Code, any person who enters any Federal Reservation for any purpose prohibited by lawful regulation shall be fined not more than \$500.00 or imprisoned not more than six months, or both.

SOP FOR THE PROVOST MARSHAL'S OFFICE

APPENDIX B

DISPERSE ORDER

1. ATTENTION ATTENTION

"You must leave the Combat Center immediately. We do not wish to injure anyone, but you are disobeying a lawful regulation, and this cannot be tolerated. We have the means to enforce our regulations. Stop the unlawful behavior and leave the Marine Corps Air Ground Combat Center, Twentynine Palms, immediately."

(Indicate method, streets to be used, and the direction the crowd is to disperse).

"You must leave the Combat Center at once"-----
Disperse now and avoid possible injury
Disperse now and avoid possible injury

(Repeat until troops are committed. When troops are committed, use the following announcement).

2. ATTENTION ATTENTION

"Troops are now advancing. They will not stop until the crowd is dispersed and order is restored. To avoid injuries, you must leave the Combat Center immediately. These Marines have their order and they will not stop until the crowd is dispersed. Do not get involved, leave the Combat Center immediately."

(Indicate method, streets to be used and direction the crowd is to disperse).

(If tear gas or any other specific type of force is to be utilized, the crowd should be warned prior to its use.)